IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

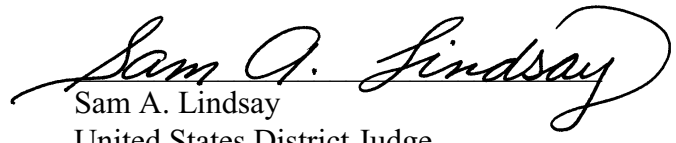|		
JIMMY DEWAYNE HILL, #1719333,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. **3:14-CV-2695-L**
	§	
THE STATE OF TEXAS, *et al.*,	§	
	§	
Defendants.	§	

ORDER

Plaintiff Jimmy DeWayne Hill ("Plaintiff") brought this action on July 28, 2014, pursuant to 42 U.S.C. § 1983, for alleged due process violations by the State of Texas, the Texas Court of Criminal Appeals, and the 363rd District Court of Dallas County, Texas. The case was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on September 16, 2014, recommending that the action be dismissed without prejudice for lack of subject matter jurisdiction because the *Rooker-Feldman* doctrine is a bar to Plaintiff's due process claims based on insufficient evidence and the insufficient factual basis for his guilty plea.

On September 27, 2014, Plaintiff filed objections to the Report. Plaintiff contends that the *Rooker-Feldman* doctrine does not apply to his insufficient evidence claims because he seeks a declaratory judgment and injunction to require the Texas Court of Criminal Appeals to hear his evidence. Plaintiff contends that, when the Court of Criminal Appeals denied his habeas petition, it did so without a hearing and without specifically addressing his insufficient evidence claim. For

Order – Page 1

the reasons set forth in the Report, the court concludes that Plaintiff's claims are barred by the

Rooker-Feldman doctrine.

Accordingly, having reviewed the pleadings, file, objections, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. The court therefore **overrules** Plaintiff's objections and **dismisses without prejudice** this action for lack of subject matter jurisdiction.

It is so ordered this 7th day of October, 2014.

Sam A. Lindsay
United States District Judge

Order – Page 2